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20 October 1959

MEMORANDUM FOR: Director of Central Intelligence

SUBJECT: Proposed Executive Order to Authorize CIA to  
Communicate for Intelligence Purposes in Accordance  
with the Provisions of the Atomic Energy Act of 1954,  
As Amended.

1. This memorandum contains a recommendation for action by the Director of Central Intelligence. Such recommendation is contained in paragraph 4.

2. Public Law 85-479 contained an amendment to section 144d of the Atomic Energy Act of 1954 providing that "the President may authorize any agency of the United States to communicate in accordance with the terms and conditions of an agreement for cooperation arranged pursuant to subsections 144a, b, and c such Restricted Data as is determined to be transmissible under the agreement for cooperation involved." The inclusion of this language in the law was a direct result of the efforts of this Agency to obtain a provision which would specifically authorize this Agency to disseminate such Restricted Data for intelligence purposes. In working with the Atomic Energy Commission and the Department of Defense for an appropriate provision, this Agency agreed to the general language contained in the law as enacted. The President signed this legislation on 2 July 1958.

3. On 15 September 1958, while this Agency was in the process of preparing an appropriate Executive Order authorizing the Agency to communicate Restricted Data for intelligence purposes, the Bureau of the

Budget forwarded a joint Atomic Energy Commission - Department of Defense proposal. This proposed Executive Order did not include an authorization for communication of Restricted Data for intelligence purposes. However, in view of the submission of the AEC - DOD proposal, it was determined that this Agency should attempt to obtain its authorization through an amendment to that proposal rather than through the submission of a separate Executive Order. Accordingly, on September 19, 1958, General Cabell signed a letter to the Bureau of the Budget suggesting changes to include the CIA requirements. The State Department also suggested changes in the AEC - DOD draft. The Atomic Energy Commission and the Department of Defense objected to the CIA and State Department recommendations. On final review the Bureau of the Budget determined that the delegation of authority requested by this Agency not be included in that Order.

4. Since that time, Mr. Houston and I have been working with AEC, DOD, and Bureau of the Budget representatives in an effort to reach an agreement on the language of an appropriate Executive Order. The attached draft order is the product of those negotiations.

5. With the exception of the last sentence the attached proposed Executive Order is identical with one prepared and forwarded informally to us by representatives of the Atomic Energy Commission. The phrase "to recipients approved by the Central Intelligence Agency, the Atomic Energy Commission and the Department of Defense and shall be" has been deleted from the AEC proposal as an unacceptable additional procedure which is inconsistent with existing exchange agreements relating to transfer of military and other Restricted Data. We do not feel that further negotiation will provide agreement on this point.

6. Although I have no guarantee that AEC and DOD will formally accept the proposal, we have the informal recommendation of the General Counsel, DOD, to forward<sup>2</sup> our request for the separate Executive Order to the Bureau of the Budget so that the remaining issues might be resolved expeditiously.

7. I recommend that you sign the attached letter forwarding the proposed Executive Order "Authorization For the Communication of Restricted Data By the Central Intelligence Agency."

JOHN S. WARNER  
Legislative Counsel